

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SANDRA K. SHOEMAKER, Individually and
On Behalf of All Others Similarly Situated,

Plaintiff,

v.

CARDIOVASCULAR SYSTEMS, INC. and
LAURENCE L. BETTERLEY,

Defendants.

)
) No. 0:16-cv-00568-DWF-DTS
)
) Hon. Donovan W. Frank
)
)
) **DEFENDANTS' MOTION TO**
) **DISMISS FIRST AMENDED CLASS**
) **ACTION COMPLAINT**
)
)
)

Defendants Cardiovascular Systems, Inc. and Laurence L. Betterley, hereby move to dismiss Plaintiffs' First Amended Class Action Complaint, with prejudice, for failure to state a claim upon which relief can be granted, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.* Defendants' Motion is based upon their supporting memorandum of law, the Declaration Blake L. Osborn and exhibits attached thereto, the arguments of counsel at the time of the hearing, and the entire record herein.

Dated: August 11, 2017

s/ Leah C. Janus

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s/ Robert M. Stern

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